FILED
SEP 19 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY MO DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Carmen Powell,
Plaintiff,

v

Defendants

City of Chula Vista; Chula Vista)
Police Department; Det Ruth)
Hinzman; AGT. Anderson: Agt)
Oyos: Sgt Cervantes; and)
Person Entities Unknown, Cty)
San Diego and San Diego Cty)
Protective Services Workers,)
Julie Smith, Nadia Najors,)
Megan Petfinger; Rebecca)
Slade and Persons and)
Entities unknown, Children's)
Hospital; Diana Chase, Nurse)
Debra Davies, LCSW and)
Entities unknown)

'07 CV 1836 JAH JMA

Civil No.
REQUEST FOR APPOINTMENT OF COUNCIL UNDER THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. 2000e 5 (f)(1); DECLARATION IN SUPPORT OF REQUEST

1. I, the plaintiff in the above-entitled discrimination action, request that the court appoint an attorney to represent me in this matter. In support of this request, I state as follows:

   A. My claim is meritorious (that is, I have a good case), and

   B. I have made a reasonably diligent effort to obtain counsel, and

   C. I am unable to find an attorney willing to represent me on terms that I can afford

4. Have you talked with any attorney about handling your claim?

   __X__Yes _____No

   If "YES", give the following information about each attorney with whom you talked:

Attorney: Doug Oden

When:

Where:

How (in person)

Why attorney was not employed to handle your claim: I met with Mr Oden, early on and I took the few supporting documents that I had. Mr Oden informed me that based on what I had he could represent me, however I would have to pay anything from $20, 000 - $25,000 dollars, which of course I do not have.

Attorney: Donnie Cox

When:

Where:

How (by phone)

When I initially consulted with Donnie Cox, he requested all documents that I had in my possession for review, after careful consideration Attorney Cox decided that I had an excellent case, and that all of the tactics were typical tactics used by the police and social workers everyday and he initially filed my claim for damages on a pro bono basis. In my attempt on February 1, 2007, after watching month after month of Dependancy Court rulings in their favor based on lie after lie, the pain and harm being done to my children, my little boy being battered, bruised and sick on almost every visit and my daughter who has been in isolation from seeing any adult that she knew since August 17, 2006, including he treating doctor of almost 3 years. To my utter surprise I was offered a Reunification Plan, but I had stipulation of true finding, that because of my altercations with my husband and that my daughter gained weight while in their care, and of course almost immediately they turned around a filed another petition, **and because they never turned over discovery on that day included in the discovery, were my childrens statements (there was no domestic violence in our home, there was not failure to thrive, this is when I found out for the first time that they were supplementing my daughter body and that they**

knew also knew that I did not put these injuries on my daughter, they had the medical records in their possession all along, that the scars on my daughters body were scars that she had when she was placed with me as a severely abused and neglected child September 11, 2001. As required by law the court ordered discovery from the Chula Vista Police and CPS and to this day they have never complied. So basically, I was asked to stipulate to something that they knew was a lie and because I was trying to save me children, most parents would agree to anything to save there babies, I felt I had not choice. Mr Cox, informed me that he understood my making a decision to save my children, but he could not represent me because of the stipulation that has come back to haunt my life, he also said if I got it set aside, he would take the case, I was clearly given bad advice. Mr Cox informed me that I only had six months from the time that these two agencies reject my claim that I needed to file with the proper court and I am here asking for help in my defense and myself and my children.

Attorney: Sean Macmillan

When:

Where:

How (in person)

Why attorney was not employed to handle your claim:

Mr Macmillan, certainly reviewed my documents and I did not have as much vital information that I have today, he also agrees that I was doped and this is a tactic used over and over where you are lead to believe. Mr Macmillan, informed me that he was tied up in another lengthy case and just could not handle the case load, also he as Donnie Cox does not handle cases on a pro bono basis, and I simply do not have thousands of dollars to fight the state for my children.

5. Explain any other efforts you have made to contact an attorney to handle you your claim:

There were a number of attorney's that I did call, however even before I was able to present supporting documents I was told that I would need anywhere rom $20,000 - $50,000 and of course I have no money. It is very difficult to defend yourself against people who seem to believe that they are above the law and that citizens do no have Civil nor Constitutional Rights. There is not an attorney that I have spoken to here in San Diego that says that same thing **"this is done everyday".**

6. Give any other information which supports your application for the court to appoint an attorney for you:

5. Explain any other efforts you have made to contact an attorney to handle your claim:

6. Give any other information which supports your application for the court to appoint an attorney for you:

I realize that I have no money and the State of California is a powerful one and the government does not like to get involved, however I beleive that as a mother I have a right to try and protect my children. It is clear to me that in the Dependancy Court that these social workers and others are quite comfortable with these violations of due process, lying under penalty of perjury, tricks, assault, coercion and I am told that it happens every day. I beleive that as an African American with minority children there are those who truly believe that we are not entitled to protections of this great country our Civil and Constitutional Rights have been severely violated and they continue to hurt my children and violate my rights to cover up the illegal seizure of my kids.

7. Give the name and address of each attorney who has represented you in the last 10 years for any purpose:

Rommel Cruz, Public Defender 765 Third Ave., Ste 305, Chula Vista, Calif.
Terrance Chucus (left to do appellate), 1762 Columbia St., San Diego, Ca. 92101
Robert Pullman (wanted $16,00 to go to trial) 420 Nutmeg Ste D, San Diego, Calif.
Richard Peiffer (currant, 9752 Willowglenn Circle, Santa Ana, Calif 92705 (currant)

(Attach additional sheets as needed)

8. I cannot afford to obtain a private attorney. The details of my financial situation are listed below:

A. Employment

Are you employed now? ___ yes _x_ no ___ am self-employed

Name and address of employer:

If employed, how much do you earn per month? ____________________

If not employed, give month and year of last employment: ____________________

How much did you earn per month in your last employment? ____________________

If married, is your spouse employed? ___ yes ___ no

If "YES," how much does your spouse earn per month? ____________________

If you are a minor under age 21, what is your parents' or guardians' approximate monthly income? ____________________

B. Assets

(i) Other Income

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement of annuity payments or other sources? _____ yes __x__ no

If "YES," give the amount received and identify the sources:

$ Received	Source

(Attach additional sheets as necessary)

(ii) Cash

Have you any cash on hand or money in savings or checking accounts? x yes ___ no

If "YES," state total amount: $78.93

(iii) Property

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ___ yes x no

If "YES," give value and describe it:

Value	Description

C. Obligations and Debts

(i) Dependents

Your marital state is: ___ single ___ married x widowed, separated or divorced.

Your total number of dependents is : 1

List those person you actually support, your relationship to them, and your monthly contribution to their support:

Name/Relationship	Monthly Support Payment
Brittni Brown (daughter) left in home	

(ii) Debts and Monthly Bills

List all creditors, including banks, loan companies and charge accounts, etc.

Creditor	Total Debt	Monthly Payment
Rent: Mar Marsigian		$546.00
Mortgage on Home:		

Others:

SDG&E
Telephone
Food
Clothing

9. Signature

I declare under penalty of perjury that the above is true and correct.

Dated: Sept 19 2007

Signature

(Notarization is not required)

County of San Diego
OFFICE OF COUNTY COUNSEL
CLAIMS AND INVESTIGATION DIVISION
1600 PACIFIC HIGHWAY, ROOM 355, SAN DIEGO, CALIFORNIA 92101-2469

RECEIVED
MAR 2 7 2007

March 26, 2007

Carmen Powell
c/o Donnie R. Cox, Esq.
402 North Nevada Street
Oceanside, CA 92054

Re: Client/Claimant: Carmen Powell
County File Number: 070051
Date of Incident: August 17, 2006

SUBJECT: **NOTICE OF REJECTION OF CLAIM**

The subject claim has been received by the Claims Division for investigation and a determination of liability, if any.

The liability of a governmental entity and its employees to a person who claims damages is strictly limited by the laws within the State of California. Your claim has been reviewed within the terms and restrictions of those laws. We regret that investigation has obliged us to conclude that the claim must be rejected. Therefore, the claim is hereby rejected this date.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on those causes of action recognized under the California Tort Claims Act. See Government Code Section 945.6.

Sincerely,

Office of County Counsel
Claims and Investigation Division
(619) 531-4899

CITY OF
CHULA VISTA

Human Resources Department

March 19, 2007

RECEIVED
MAR 21 2007

Carmen Powell
c/o Law Office of Donnie R. Cox
402 North Nevada Street
Oceanside, CA 92054

This is to advise you that the Claim you filed against the City of Chula Vista on February 8, 2007, relating to an incident allegedly occurring on August 17, 2006 has been denied.

WARNING:

Subject to certain exceptions, you have only six (6) months from the date of this notice was personally delivered or deposited in the mail to file a court action based on state law. See Government Code Section 945.6. This notice does not affect or extend any other applicable statute of limitations. Depending on the type of action, a shorter statute of limitations may apply.

Please also be advised that pursuant to Sections 128.7 and 1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

You may seek the advice of an attorney of your choice in connection with this matter. If you so desire to consult an attorney, you should do so immediately.

Very truly yours,

Angela T. Pedlico
Senior Risk Management Specialist

276 Fourth Avenue, MS H-100
Chula Vista, CA 91910
Phone (619) 691-5096
Fax (619) 409-5915

PRIDE AT WORK

JESSE RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

South Bay
500 Third Avenue
Chula Vista, CA 91910-5694
(619) 691-4695

BONNIE M. DUMANIS
DISTRICT ATTORNEY

DATE: August 24, 2007

NAME: POWELL, CARMEN DOB: 06/16/49

DATE OF OFFENSE: 08/17/2006 REJECT #: RJ2662

At this time, no formal charges have been filed by the District Attorney's Office for one of the following reasons:

☒ THE CASE HAS BEEN REVIEWED AND REJECTED. A.M. initial

If additional information is received, charges could later be filed. In that event you will be notified by mail of the nature of the charges and the date, time and location of your court appearance or depending on the discretion of the Issuing Deputy a Warrant of Arrest could be issued. Failure to appear on a Notify Letter could result in a warrant being issued for your arrest.

☐ THE CASE HAS BEEN REVIEWED BUT NOT ISSUED. ________ initial

If additional information is received, charges could later be filed. In that event you will be notified by mail of the nature of the charges and the date, time and location of your court appearance or depending on the discretion of the Issuing Deputy a Warrant of Arrest could be issued. Failure to appear on a Notify Letter could result in a warrant being issued for your arrest.

☐ THE CASE REPORT HAS BEEN RECEIVED AND IS STILL PENDING. ________ initial

The case report has been received by the District Attorney's Office and is pending review. If a decision is later made to file charges you will be notified by mail of the nature of the charges and the date, time and location of your court appearance or depending on the discretion of the Issuing Deputy a Warrant of Arrest could be issued. Failure to appear on a Notify Letter could result in a warrant being issued for your arrest.

NOTE: IN CASE OF A CHANGE OF ADDRESS, PLEASE BE SURE AND KEEP THE POST OFFICE ADVISED OF YOUR FORWARDING ADDRESS.

8/24/2007 1:33 PM